



Adopted in House Comm. on Mar 05, 2008

09500HB4662ham001

LRB095 17128 AMC 47635 a

1 AMENDMENT TO HOUSE BILL 4662

2 AMENDMENT NO. _____. Amend House Bill 4662 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Check Cashing Act is amended by changing
5 Section 1 and adding Section 3 as follows:

6 (815 ILCS 315/1) (from Ch. 121 1/2, par. 1901)

7 Sec. 1. Definitions. As used in this Act:

8 "Merchant" means a person, firm, association, partnership
9 or corporation primarily engaged in the business of selling
10 tangible personal property at retail.

11 "Casino-based electronic check acceptance service" means
12 any check-guarantee, check-acceptance, check-co-signing, or
13 check-risk-management service that is performed by a firm that
14 is engaged in the financial service industry or in any branch
15 of the financial service industry, provided that the service is
16 performed as part of a transaction involving a check that takes

1 place on a riverboat subject to the Riverboat Gambling Act, or
2 in a facility associated with the riverboat located within
3 1,000 feet of the riverboat.

4 (Source: P.A. 85-997.)

5 (815 ILCS 315/3 new)

6 Sec. 3. Casino-based electronic check acceptance services.
7 Notwithstanding any law to the contrary, if a casino-based
8 electronic check acceptance service has taken part in a
9 casino-based transaction involving a check that is dishonored,
10 then a casino-based electronic check acceptance service may not
11 recover treble damages from a person who writes a check for use
12 in a casino-based transaction that is dishonored.

13 Notwithstanding any other rulemaking authority that may
14 exist, neither the Governor nor any agency or agency head under
15 the jurisdiction of the Governor has any authority to make or
16 promulgate rules to implement or enforce the provisions of this
17 amendatory Act of the 95th General Assembly. If, however, the
18 Governor believes that rules are necessary to implement or
19 enforce the provisions of this amendatory Act of the 95th
20 General Assembly, the Governor may suggest rules to the General
21 Assembly by filing them with the Clerk of the House and the
22 Secretary of the Senate and by requesting that the General
23 Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
25 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be
2 interpreted to grant rulemaking authority under any other
3 Illinois statute where such authority is not otherwise
4 explicitly given. For the purposes of this amendatory Act of
5 the 95th General Assembly, "rules" is given the meaning
6 contained in Section 1-70 of the Illinois Administrative
7 Procedure Act, and "agency" and "agency head" are given the
8 meanings contained in Sections 1-20 and 1-25 of the Illinois
9 Administrative Procedure Act to the extent that such
10 definitions apply to agencies or agency heads under the
11 jurisdiction of the Governor.".